

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JONATHAN LEE RICHES; aka SHAHZAD, §
§
Petitioner, §
VS. § CIVIL ACTION NO. C-10-226
§
HOWE, *et al*, §
§
Respondents. §

OPINION AND ORDER OF DISMISSAL

Petitioner is incarcerated at the Federal Medical Center (FMC) in Lexington, Kentucky.

In this petition for relief filed pursuant to 28 U.S.C. § 2241, he states that he is challenging the unconstitutional execution of his sentence (D.E. 1 at 1).¹ Petitioner alleges that after he made a report to security officers about misconduct by FMC Lexington employees, he was terminated from the residential drug treatment program (D.E. 1). Petitioner continues to experience retaliation at the hand of FMC Lexington employees (*Id.*).

A petition pursuant to § 2241 must be filed in the district of incarceration, where the District Court has jurisdiction over the prisoner and his custodian. *Lee v. Wetzel*, 244 F.3d 370, 373 (5th Cir. 2001). Petitioner and his custodian are located in the Eastern District of Kentucky. Moreover, to the extent petitioner's raises constitutional tort claims against the respondents in their individual capacities, such claims must also be brought in the Eastern District of Texas, where the events occurred which form the basis for his claims and where the defendants are located. 28 U.S.C. § 1391.

¹Petitioner was convicted in the Southern District of Texas, Houston Division, of financial crimes, in Cause No. 4:03cr90(02). He was sentenced in 2004 to serve 125 months in the custody of the Bureau of Prisons.

All claims are dismissed without prejudice to petitioner's right to file them in the proper court.

SIGNED and ORDERED this 12th day of July, 2010.



Janis Graham Jack
Janis Graham Jack
United States District Judge